

EXHIBIT “4”

**Sandra Meza-Perez
Deposition Excerpts Vol I, Vol II, Vol III, Vol IV**

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**Sandra Meza-Perez
Deposition Excerpts Vol I, Vol II, Vol III, Vol IV**

Sandra M. Perez-Meza - Vol. I - October 23, 2019

* * * Videotaped Deposition * * *

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3
4
5 SANDRA M. MEZA-PEREZ,)
6 Plaintiff,)
7 vs.) Case No.
8 SBARRO, LLC, dba SBARRO) 2:19-cv-00373-APG-NJK
9 PIZZA, a foreign limited)
10 liability company; SBARRO,)
11 INC., dba SBARRO PIZZA, a)
12 foreign corporation; ZACHARY)
13 CEBALLES, an individual;)
14 EFRAIN HERNANDEZ, an)
15 individual; JESUS ALATORRE, an)
16 individual; DANA DORADO, an)
17 individual,)
18 Defendants.)
19 _____)

**CERTIFIED
COPY**

20 VIDEOTAPED DEPOSITION OF SANDRA M. PEREZ-MEZA

21 VOLUME I

22 Pages 1 to 170

23 Taken on Wednesday, October 23, 2019

24 At 9:10 a.m.

25 Held at the Law Office of Littler Mendelson

3960 Howard Hughes Parkway, Suite 300

Las Vegas, Nevada 89169

Reported By: Gale Salerno, RMR, CCR No. 542

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16 Also Present:

17 TIM HARTMANSZERBIEC, Legal Videographer

18 ANITA D'ANGELO, Spanish Interpreter

19 PAMELA RUIZ, Legal Assistant,
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11:07 1 Q. How long was that?

11:07 2 A. I don't know. I don't remember.

11:07 3 Q. So you were hired at the Monte Carlo
11:07 4 location, and then you worked temporarily at the
11:07 5 Convention Center location while a convention was
11:07 6 going on?

11:07 7 A. Yes. That's what the Monte Carlo did. If
11:08 8 they needed people at the Convention Center, they
11:08 9 took people from the Monte Carlo to send to the
11:08 10 Convention Center or from the other places.

11:08 11 Q. Okay. And when the convention was over,
11:08 12 you went back to work at the Monte Carlo location?

11:08 13 A. Uh-huh. Yes, sorry. And I think it was
11:08 14 just one time that it happened that after I finished
11:08 15 at the Convention Center, Jorge took me back to the
11:08 16 Monte Carlo to continue working.

11:08 17 Q. So you went to work at the Monte Carlo
11:08 18 where you were trained, and then you worked
11:09 19 temporarily at the Convention Center location?

11:09 20 A. Yes.

11:09 21 Q. And then you went back to work at the
11:09 22 Monte Carlo location?

11:09 23 A. Yes.

11:09 24 Q. And then in January of 2017, you

11:09 25 transferred from the Monte Carlo location to the

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11:09 1 Bally's location, correct?

11:09 2 A. I didn't change. They changed me.

11:09 3 Q. But whether you asked to be transferred or
11:09 4 they asked you to transfer, you transferred from the
11:09 5 Monte Carlo location to the Bally's location in
11:09 6 January of 2017?

11:09 7 A. Yes. That's the way it was.

11:09 8 Q. Okay. I just want to get the dates right
11:09 9 here.

11:10 10 A. And I don't know the dates exactly, so if
11:10 11 you ask me dates, I don't know them exactly.

11:10 12 Q. I can represent to you you transferred from
11:10 13 the Monte Carlo location to the Bally's location on
11:10 14 January 11th, 2017.

11:10 15 MR. HICKS: Let me have marked as
11:10 16 Exhibit No. 2 Plaintiff's Amended Complaint and
11:10 17 Demand for Jury Trial.

11:10 18 (Exhibit 2 was marked for
11:10 19 identification.)

11:10 20 MS. HILL: And Mr. Hicks, we'll take a
11:10 21 break again in another ten minutes, whenever you find
11:10 22 a good stopping point.

11:11 23 BY MR. HICKS:

11:11 24 Q. Ms. Perez, the Complaint that's been marked
11:11 25 as Exhibit 2 is the Complaint drafted by your

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11:13 1 speak about her or the inhumane working conditions
11:14 2 because she feared HR would not take her seriously
11:14 3 and Ceballes would harm her since he had threatened
11:14 4 to kill her and her boyfriend, sexually assault her
11:14 5 sister and daughter, and have her deported as he had
11:14 6 previously threatened to do."

11:14 7 So the paragraph begins with, "Sandra did
11:14 8 not initially tell HR about the rapes and sexual
11:14 9 assaults."

11:14 10 Is that accurate?

11:15 11 A. Yes. I didn't immediately report it

11:15 12 because I was threatened with my life.

11:15 13 Q. If we could go to paragraph 78 on page 12.
11:15 14 Paragraph 78 states: "On or about May or June 2016,
11:15 15 and continuing throughout her employment, Sbarro
11:15 16 Pizza's general manager and Defendant Ceballes
11:15 17 willfully and unlawfully intended to cause harmful or
11:15 18 offensive physical contact with Sandra."

11:15 19 I didn't read the whole paragraph. I just
11:15 20 read the first half.

11:16 21 Now, we'll get into the specifics later,
11:16 22 but I want to focus here on the time period, which
11:16 23 was May or June of 2016.

11:16 24 So in May or June of 2016, Mr. Ceballes

11:16 25 began sexually assaulting you, correct?

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11:16 1 A. Yes.

11:16 2 Q. And then in the next paragraph, paragraph
11:16 3 79, where you're talking about Mr. Hernandez and
11:16 4 Mr. Alatorre, it states, "On or about May or
11:17 5 June 2016 and continuing throughout her employment,
11:17 6 Hernandez and Alatorre willfully and unlawfully
11:17 7 intended to cause harmful or offensive physical
11:17 8 contact with Sandra."

11:17 9 Again, I didn't read the whole paragraph.
11:17 10 I just want to focus on the time period.

11:17 11 A. Yes. That's right.

11:17 12 Q. So in May or June of 2016, Mr. Hernandez
11:17 13 and Mr. Alatorre began sexually assaulting you?

11:17 14 A. Yes. Yes.

11:18 15 I know that sexual assault is not just
11:18 16 penetration, but they touched me and said offensive
11:18 17 things. And Efrain Hernandez grabbed my hand and had
11:18 18 me touch his genitals.

11:18 19 Q. Thank you for the clarification.

11:18 20 And when I use the phrase "sexually
11:18 21 assault," I mean everything from touching you
11:19 22 inappropriately to anything else that they physically
11:19 23 did to you.

11:19 24 And that began in May or June of 2016,
11:19 25 correct?

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11:54 1 saw the message, in preparation for this deposition,
11:54 2 your attorneys played that message for you?

11:54 3 A. Yes. But I don't remember everything it
11:54 4 said.

11:54 5 Q. That's okay. And your attorney showed you
11:54 6 the transcription of your message?

11:54 7 A. Yes.

11:54 8 Q. And when your attorneys played that tape
11:54 9 for you of your message, that's when you remembered
11:54 10 that the first time you complained about sexual
11:54 11 harassment to Ms. Dorado was April 17, 2017?

11:55 12 MS. HILL: Objection. Form.

11:55 13 THE WITNESS: I don't remember having told
11:55 14 her. I don't remember.

11:55 15 BY MR. HICKS:

11:55 16 Q. You don't remember ever telling Ms. Dorado
11:55 17 that you felt sexually harassed?

11:55 18 A. I don't remember having told her, but I
11:55 19 wanted them to know what had happened. But I was
11:55 20 very afraid.

11:55 21 MR. HICKS: So let's have marked as next in
11:55 22 order Bates stamp page Sbarro 330, which is the
11:56 23 transcription of the voicemail message that Ms. Perez
11:56 24 left on April 18, 2017.

11:56 25 (Exhibit 7 was marked for

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12:07 1 THE WITNESS: Yes.

12:07 2 BY MR. HICKS:

12:07 3 Q. You reported to the police that in November

12:07 4 of 2016, Mr. Ceballes pulled you into the cooler and

12:07 5 assaulted you, correct?

12:07 6 A. Yes.

12:07 7 Q. And then in the next paragraph --

12:08 8 A. But the dates here, this one says 2015.

12:08 9 That's not correct.

12:08 10 Q. No. It says, "Perez-Meza states that in

12:08 11 November of 2016."

12:08 12 A. Okay.

12:08 13 Q. And in the paragraph following that, it

12:08 14 says, "Perez-Meza states that in December of 2016,

12:08 15 she told Ceballes that she will no longer comply with

12:08 16 his demands and was worried about him taking

12:08 17 advantage of her sister-in-law."

12:08 18 Do you see that?

12:08 19 A. Yes.

12:08 20 Q. So in December of 2016, you told

12:08 21 Mr. Ceballes that you were not going to have any

12:09 22 sexual relations with him anymore, correct?

12:09 23 MS. HILL: Objection. Can you read back

12:09 24 the date? I thought you said '17, but I could have

12:09 25 misheard.

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12:09 1 (The record was read as requested.)

12:09 2 MS. HILL: I was wrong. Sorry. Thank you.

12:09 3 THE WITNESS: I would tell Zach all the

12:09 4 time.

12:09 5 That's one thing that's frustrating to me

12:09 6 because, like in this statement, there's a lot of

12:09 7 things that are not in there, because when I went to

12:09 8 make the statement there was nobody that spoke

12:09 9 Spanish there.

12:10 10 In fact, they had to call another girl to

12:10 11 help me because the girl that was helping me started

12:10 12 crying because she couldn't believe what I had gone

12:10 13 through at work.

12:10 14 BY MR. HICKS:

12:10 15 Q. When you say "girl," you're referring to a

12:10 16 police officer?

12:10 17 A. Well, two women helped me. They were

12:10 18 wearing a uniform. I don't know if they were police.

12:10 19 And then one man came to help. I think he was

12:10 20 Hispanic because he spoke Spanish, but I had never

12:11 21 seen the statement.

12:11 22 Q. Okay. So the women that were taking your

12:11 23 statement down had police uniforms on, correct?

12:11 24 A. Yes.

12:11 25 Q. And they were at the police department or

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4
5 SANDRA M. MEZA-PEREZ,)
6 Plaintiff,)
7 vs.) Case No.
8 SBARRO, LLC, dba SBARRO) 2:19-cv-00373-APG-NJK
9 PIZZA, a foreign limited)
10 liability company; SBARRO,)
11 INC., dba SBARRO PIZZA, a)
12 foreign corporation; ZACHARY)
13 CEBALLES, an individual;)
14 EFRAIN HERNANDEZ, an)
15 individual; JESUS ALATORRE, an)
16 individual; DANA DORADO, an)
17 individual,)
18 Defendants.)
19 _____)

**CERTIFIED
COPY**

20 VIDEOTAPED DEPOSITION OF SANDRA M. PEREZ-MEZA

21 VOLUME III

22 Pages 283 to 481

23 Taken on Friday, November 1, 2019

24 At 9:22 a.m.

25 Held at the Law Office of Littler Mendelson

3960 Howard Hughes Parkway, Suite 300

Las Vegas, Nevada 89169

Reported By: Gale Salerno, RMR, CCR No. 542

Sandra M. Perez-Meza - Vol. III - November 1, 2019

* * * Videotaped Deposition * * *

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27 EFRAIN HERNANDEZ

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29 ZACHARY CEBALLES

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11:29 1 the spray to clean, and a rag. When I went in, Zach

11:29 2 was behind me, and he closed the door.

11:29 3 Q. Okay. Then what happened next?

11:29 4 A. He grabbed me from behind. He started to

11:29 5 touch my breasts. He was trying to kiss me. So I

11:29 6 just would turn.

11:29 7 And then he turned me towards -- there

11:30 8 was -- I don't know how to say it, where the food

11:30 9 was. So there was one on this side and another one

11:30 10 on this one. He turned me. There was a space there.

11:30 11 He turned me towards that space. He pulled down my

11:30 12 pants and he penetrated me.

11:30 13 Q. Was there anybody in the refrigerator or

11:30 14 cooler other than you and Mr. Ceballes?

11:30 15 A. No.

11:30 16 Q. Was the door to the refrigerator open or

11:30 17 closed when this allegedly happened?

11:30 18 A. It was locked from the inside.

11:31 19 Q. Well, there's some dispute about that.

11:31 20 MS. HILL: Objection. Form.

11:31 21 BY MR. HICKS:

11:31 22 Q. Did you scream?

11:31 23 A. No. I just remember I was ashamed to know

11:31 24 that -- for them to know that Zach had me there.

11:31 25 Q. Did you yell?

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11:31 1 A. No, I didn't yell.

11:31 2 Q. Did you cry for help?

11:31 3 A. No. I was in shock.

11:31 4 Q. Did you say no?

11:31 5 A. I was just trying to cover myself.

11:31 6 Q. Did you say no?

11:31 7 A. I don't remember.

11:31 8 Q. And it's your -- what kind of pants were

11:31 9 you wearing?

11:31 10 A. Blue jeans.

11:31 11 Q. So did you have a belt on?

11:31 12 A. No.

11:31 13 Q. What kind of shoes were you wearing?

11:31 14 A. The type so that I don't slip.

11:32 15 Q. So tennis shoes with a rubber sole?

11:32 16 A. Like tennis shoes.

11:32 17 Q. Did you leave your tennis shoes on?

11:32 18 A. Yes.

11:32 19 Q. And I'm going to have to ask you specific

11:32 20 questions here.

11:32 21 A. Yes, that's fine.

11:32 22 Q. What were you wearing? What kind of shirt

11:32 23 or blouse were you wearing?

11:32 24 A. A T-shirt from Sbarro's and my pants.

11:32 25 Q. T-shirt and a pair of blue jeans?

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11:32 1 A. Yes.

11:32 2 Q. And did you have a bra or a brassiere on?

11:32 3 A. Yes. I had a bra on and panties.

11:32 4 Q. Did you have anything in your hands when

11:32 5 you went into the cooler?

11:32 6 A. I had the spray and the rag.

11:32 7 Q. Okay. And when you went in and you had the

11:32 8 spray and the rag, what did you do with the spray and

11:32 9 the rag?

11:32 10 A. I don't remember. I was surprised, and I

11:33 11 just there was kind of paralyzed and didn't know how

11:33 12 to react. I thought that I could lose my job. There

11:33 13 were a lot of things going around in my head.

11:33 14 Q. What did you do with the rag and the spray?

11:33 15 A. I don't remember.

11:33 16 Q. Did you set it down?

11:33 17 A. I don't remember.

11:33 18 Q. Did you hold on to it?

11:33 19 A. I don't remember. I don't remember if I

11:33 20 put it down. I don't remember if I kept them. I

11:33 21 don't remember.

11:33 22 Q. Did you hit Zach in the head with it?

11:33 23 A. No. I don't remember.

11:33 24 Q. Now, you testified that Zach tried to touch

11:33 25 your breasts.

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11:33 1 A. Yes.

11:33 2 Q. So he closed the door?

11:33 3 A. Yes. I went in first. He was behind me.

11:33 4 He closed the door. There was a metal piece, and

11:34 5 that closed the door from the inside.

11:34 6 Q. So when he closed the door, did he say

11:34 7 anything?

11:34 8 A. No. I was just like surprised what -- as

11:34 9 to what he was doing there.

11:34 10 Q. I'm not asking what your reaction was.

11:34 11 Right now I'm just asking after Zach closed the door,

11:34 12 did he say anything?

11:34 13 A. I don't remember.

11:34 14 Q. Did you say anything at that point after he

11:34 15 closed the door?

11:34 16 A. I don't remember.

11:34 17 Q. Now, there's been some testimony in this

11:34 18 case that you used drugs, including meth.

11:34 19 Were you using meth on this day that we're

11:34 20 talking about?

11:34 21 A. No. No. No, I was sober.

11:34 22 Q. You weren't high?

11:34 23 A. No.

11:34 24 Q. And you said he tried to grab -- excuse me.

11:34 25 That's not what you said.

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11:34 1 You said he tried to touch your breasts?

11:35 2 A. Yes.

11:35 3 Q. Where were you standing when he tried to

11:35 4 touch your breasts?

11:35 5 A. I was -- I was -- I had my back towards

11:35 6 him.

11:35 7 Q. How do you know he was trying to touch your

11:35 8 breasts if you had your back towards him?

11:35 9 A. He put his hands inside my blouse, so I

11:35 10 went like this.

11:35 11 Q. So you gestured that he reached for your

11:35 12 breasts or your blouse, and you covered yourself by

11:35 13 crossing your arms?

11:35 14 A. Yes.

11:35 15 Q. And then what happened?

11:35 16 A. He undid my pants.

11:35 17 Q. So you had a pair of blue jeans on?

11:35 18 A. Yes.

11:35 19 Q. And they buttoned at the top?

11:35 20 A. Yes.

11:35 21 Q. And a zipper?

11:35 22 A. Yes.

11:35 23 Q. Did you unzip your pants or did Zach unzip

11:35 24 your pants?

11:35 25 A. He did it. He pulled them down.

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11:36 1 resist or fight?

11:36 2 A. No, I didn't fight.

11:36 3 Q. And then did you help -- did you take your
11:36 4 own pants off?

11:36 5 A. No.

11:36 6 Q. So what were you doing with your hands when

11:36 7 he was --

11:36 8 A. I was very cold, so I was just covering

11:36 9 myself like this.

11:37 10 Q. Let me finish my question. I know you know
11:37 11 what I'm going to ask, but let me finish so the court
11:37 12 reporter can get it.

11:37 13 When Zach was pulling your pants down, did
11:37 14 you elbow him or push him, or did you just stand
11:37 15 there?

11:37 16 A. I don't remember. I don't know. I don't
11:37 17 remember if I was trying to get him not to undo my
11:37 18 pants. I was just like this, like pulling up my leg
11:37 19 a little bit because I was very cold.

11:37 20 MR. HICKS: I want the record to reflect
11:37 21 the witness has her arms crossed over her chest.

11:37 22 MS. HILL: And she's also crossing her
11:37 23 legs. You can't see that.

11:37 24 THE WITNESS: I was just doing like this.

11:37 25 MS. HILL: Lifting her leg.

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11:40 1 on anything like a wall or anything else in the

11:40 2 cooler?

11:40 3 A. I don't remember. I don't know if I tried

11:40 4 to grab onto something. I don't remember. I just

11:40 5 remember that I was very cold.

11:40 6 Q. And you say he penetrated you?

11:40 7 A. Yes.

11:40 8 Q. For how long?

11:41 9 A. I don't remember.

11:41 10 Q. Was it more or less than two seconds?

11:41 11 A. I think from five to eight minutes.

11:41 12 Q. So for five to eight minutes it's your

11:41 13 allegation that Mr. Ceballes had sexual intercourse

11:41 14 with you?

11:41 15 A. Yeah. He was penetrating me. I wasn't

11:41 16 having sex with him.

11:41 17 Q. You know what I'm asking though, right?

11:41 18 Sexual intercourse, penetration for five to eight

11:41 19 minutes you said?

11:41 20 A. Yes.

11:41 21 Q. And that was consistent? In other words,

11:41 22 is it your allegation that once he entered you he

11:41 23 stayed in you until the eight minutes was done?

11:41 24 A. Yes. Until he finished.

11:42 25 Q. And when you say "he finished," what do you

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11:43 1 A. From behind, yes.

11:43 2 Q. And he had his hands on your waist?

11:43 3 A. No. I remember he was putting his hands,
11:43 4 touching my breasts.

11:43 5 Q. He was trying to touch your breasts?

11:43 6 A. So I was like this. I was trying -- how do
11:43 7 you say it, to cover myself.

11:43 8 Q. So he was trying to grab your breasts and

11:44 9 you were covering yourself?

11:44 10 A. Yes.

11:44 11 Q. And then right after that --

11:44 12 A. Because when I went in, I remember I saw

11:44 13 him, but I turned my back to him, and since I knew I

11:44 14 had to clean, I started cleaning. So I thought he

11:44 15 was doing something there, but I never thought he was

11:44 16 there to rape me.

11:44 17 Q. So let me take this one step at a time.

11:44 18 So after Mr. Ceballes was trying to touch

11:44 19 your breasts, you covered your breasts, correct? And

11:44 20 then he immediately tried to unbutton your pants?

11:44 21 A. I think so.

11:44 22 Q. And when he was unbuttoning your pants, was
11:44 23 he using both hands?

11:44 24 A. I don't remember. I don't remember. But

11:44 25 he had a difficult time undoing my pants.

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11:49 1 I remember that I was very embarrassed.

11:49 2 Q. Who was this that you're referring to?

11:49 3 A. Osvaldo Luna.

11:49 4 Q. And is Osvaldo Luna a man or a woman?

11:49 5 A. He's a man.

11:49 6 Q. And when you left the cooler, is it your

11:49 7 testimony that Mr. Luna was somewhere outside the

11:49 8 door?

11:49 9 A. Yes. Because they started to make fun of

11:49 10 my -- Osvaldo Luna saw me walking out of the walk-in,

11:50 11 and immediately I think I finished, and my sister was

11:50 12 coming in to work. And he told her that same day he

11:50 13 saw me, he saw what -- he told her what he had seen.

11:50 14 After that day it was a rumor.

11:50 15 Q. Okay, wait a minute, wait a minute, wait a

11:50 16 minute. This is what we can't do. We have got to

11:50 17 stick to one question at a time.

11:50 18 First of all, was the cooler locked when

11:50 19 you were inside with Mr. Ceballes?

11:50 20 A. Yes, it was locked. You could close the

11:50 21 door from the inside. They would go in and drink

11:51 22 beer in there.

11:51 23 Q. No, no, no, no. We need to stick to this

11:51 24 specific incident. Not when somebody was drinking

11:51 25 beer, nothing else. Just this incident.

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12:16 1 that occasion?

12:16 2 A. No. I don't remember.

12:16 3 Q. And you said it happened every week. For
12:16 4 how many weeks did it happen every week?

12:16 5 A. I just remember it was around the time I
12:16 6 was working in the Monte Carlo that it was one time
12:16 7 per week.

12:16 8 Q. So is it your --

12:16 9 A. There were times when it could have been on
12:16 10 Wednesdays or Saturdays, Sunday.

12:16 11 Q. So is it your contention that after Zach
12:17 12 allegedly raped you the first time in May or June of
12:17 13 2016, that he raped you weekly from that point
12:17 14 forward until mid December 2016?

12:17 15 A. Yes. That's the way it happened. And when
12:17 16 I was on my period --

12:17 17 Q. We'll get to that. We'll get to that. I
12:17 18 want to stick right now with the alleged rapes.

12:17 19 Do you remember anything specific about the
12:17 20 second time that he allegedly raped you?

12:17 21 A. No. I don't remember.

12:17 22 Q. Or how about the third time?

12:17 23 A. I'm not sure of remembering the second
12:17 24 time. But it was -- I was coming from my house, and
12:18 25 I was going into my shift of 2:00 to 10:00. And I

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12:18 1 remember I was very thirsty, and I was asking if I
12:18 2 could get a drink. And then they told me to clock
12:18 3 in.

12:18 4 And when -- I think and I'm sure that it
12:18 5 was the second time, and he put me in the walk-in and
12:18 6 it happened again, he raped me.

12:18 7 Q. So it's your allegation that he raped you
12:18 8 at least once a week all through July of 2016?

12:18 9 A. Yes.

12:18 10 Q. At least once a week all through August of
12:18 11 2016?

12:18 12 A. Yes.

12:18 13 Q. At least once a week all through September
12:19 14 of 2016?

12:19 15 A. Yes.

12:19 16 Q. At least once a week through -- all through
12:19 17 October of 2016?

12:19 18 A. Yes.

12:19 19 Q. At least once a week through November of
12:19 20 2016?

12:19 21 A. Yes.

12:19 22 Q. And then at least once a week for the first
12:19 23 two weeks of December of 2016?

12:19 24 A. Yes.

12:19 25 Q. So it's your allegation that he raped you

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12:19 1 at least 22 times?

12:19 2 A. I think so.

12:19 3 Q. And --

12:19 4 A. I never counted them. I've never thought

12:19 5 about it.

12:19 6 Q. Well, you told us it was at least once a

12:19 7 week.

12:19 8 A. It was one time. That I do remember.

12:19 9 Q. Okay. So at least once a week, so that is

12:19 10 at least 22 times that you claim he raped you?

12:19 11 A. Yes.

12:19 12 Q. And is it your contention that every time

12:20 13 he allegedly raped you, it was in the cooler at work

12:20 14 during work hours?

12:20 15 A. It was not -- it was never with my consent.

12:20 16 He would always threaten me.

12:20 17 Q. That's not my question. That's not my

12:20 18 question. My question is, is it your contention --

12:20 19 MS. HILL: I don't know if she knows what

12:20 20 "contention" means.

12:20 21 THE WITNESS: What's contention?

12:20 22 MR. HICKS: Fair enough.

12:20 23 BY MR. HICKS:

12:20 24 Q. Thank you for telling me you didn't

12:20 25 understand the word. I'll change the word.

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12:23 1 most people, the most employees, correct?

12:23 2 A. Yes.

12:23 3 Q. On the second time that Zach allegedly

12:23 4 raped you in the cooler, what were you wearing?

12:23 5 A. I always had my uniform on.

12:23 6 Q. What pants?

12:23 7 A. It was blue jeans and the black T-shirt

12:23 8 from Sbarro's with my black cap. And with my --

12:24 9 THE INTERPRETER: I'm sorry, Counsel. I

12:24 10 lost the word. I'm sorry, I need to look real quick.

12:24 11 THE WITNESS: (Witness speaking) Apron.

12:24 12 THE INTERPRETER: Apron.

12:24 13 BY MR. HICKS:

12:24 14 Q. So whenever you were at work, you would

12:24 15 have blue jeans, the skinny blue jeans?

12:24 16 A. Yes.

12:24 17 Q. And a Sbarro shirt?

12:24 18 A. Sbarro shirt.

12:24 19 Q. A bra?

12:24 20 A. My bra, my panties.

12:24 21 Q. And on the second occasion that Zach

12:24 22 allegedly raped you, do you remember what he said?

12:24 23 How did you end up in the cooler? Do you remember

12:24 24 the second occasion?

12:24 25 A. No. No, I don't remember exactly.

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12:25 1 Q. Did -- do you remember who asked you to go
12:25 2 in the cooler on that occasion?

12:25 3 A. Jesus, when he gave me the drink, he told
12:25 4 me to go in, to clock in. And then I just remember
12:25 5 that it happened.

12:25 6 Q. Right now I'm just asking about the second
12:25 7 time you claim that Zach raped you.

12:25 8 Why were you in the cooler?

12:25 9 A. Because that's what I was told to do.

12:25 10 Q. By who?

12:25 11 A. Jesus and Zach.

12:25 12 Q. So Jesus and Zach both told you at the same
12:25 13 time to go to the cooler?

12:25 14 A. No. First it was Jesus. And because I
12:25 15 didn't pay attention, then Zach came. And that was
12:25 16 when he told me somebody had to pay the favor of
12:26 17 having given work to my whole family, and that if I
12:26 18 didn't do it, he was going to take it against my
12:26 19 sister. And I didn't want anything to happen to her.

12:26 20 Q. So is it your testimony that you had sexual
12:26 21 intercourse with Zach because you were concerned that
12:26 22 if you didn't, he would want to have sexual
12:26 23 intercourse with your sister?

12:26 24 A. Yeah.

12:26 25 Q. Yesterday we heard testimony from Malani

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12:34 1 If witnesses came in and say -- tell us you
12:34 2 hated Nancy, you were jealous of Nancy, would they be
12:34 3 lying?

12:34 4 A. Yes. Yes. As a matter of fact, I have her
12:34 5 phone number when I found her with her children.

12:34 6 MR. HICKS: This is nonresponsive. I ask
12:34 7 that it be stricken.

12:34 8 BY MR. HICKS:

12:34 9 Q. Please stick to the questions.

12:34 10 A. I have her phone number.

12:34 11 Q. Ms. Perez, there's no question pending.

12:34 12 So on the second occasion that you were
12:34 13 allegedly raped by Mr. Ceballes, did you yell for
12:34 14 help?

12:34 15 A. No.

12:34 16 Q. Did you scream?

12:35 17 A. No.

12:35 18 Q. Did you scratch him or fight him?

12:35 19 A. I don't remember.

12:35 20 Q. And did he wear a condom on that second
12:35 21 occasion?

12:35 22 A. Yes. He always used a condom.

12:35 23 Q. So on each of the 22-plus times that

12:35 24 Mr. Ceballes allegedly raped you, he had a condom on?

12:35 25 A. Yes.

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12:35 1 Q. And on the second occasion, did you see him

12:35 2 put the condom on?

12:35 3 A. I don't remember.

12:35 4 Q. Then how do you know he had a condom on?

12:35 5 A. Because I would see him put it in a plastic

12:35 6 Sbarro's bag. Because he would always come with two

12:35 7 blue rags in a bag.

12:35 8 Q. Are you talking about the second time that

12:36 9 he allegedly raped you? Because that's what I'm

12:36 10 talking about.

12:36 11 A. Yes.

12:36 12 Q. So on the second time he allegedly raped

12:36 13 you, you're claiming you specifically remember he had

12:36 14 a blue rag?

12:36 15 A. Two rags.

12:36 16 Q. Two? And you're positive this was the

12:36 17 second time?

12:36 18 A. I'm not sure if it was the second time.

12:36 19 I'm not very sure.

12:36 20 Q. And when you went into the cooler with him,

12:36 21 he had the rags in his hand?

12:36 22 A. No. No. They were inside the bag.

12:36 23 Q. Okay. And the bag was in his hand?

12:36 24 A. Yes.

12:36 25 Q. And you saw the bag in his hand?

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12:40 1 Did you ever physically hit or scratch
12:40 2 Zach?
12:40 3 A. Me to him?
12:40 4 Q. Yes.
12:40 5 A. No.
12:40 6 Q. Did you ever say no?
12:40 7 A. I think I pushed him.
12:40 8 Q. Did you ever say no?
12:40 9 A. Yes. Yes.
12:40 10 Q. You already testified --
12:40 11 A. I would say no. I would say no. He would
12:40 12 stand in front of me, and he would move. And I would
12:41 13 ask him do I have to do it, and he would say yes.
12:41 14 Because he was always in front. I would be working.
12:41 15 He would be in front of me and he wouldn't move.
12:41 16 Q. So you testified earlier in your deposition
12:41 17 that in this mid December, you put your foot down and
12:41 18 said I'm not going to have sex with you anymore,
12:41 19 right?
12:41 20 A. I'm not very sure if I wrote it like that
12:41 21 or said it like that. I would always tell him no.
12:41 22 So it's not the only time I told him no. I would
12:41 23 always tell him no.
12:41 24 Q. In the police report that you filed on
12:41 25 April 19, 2017, it says --

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12:43 1 intercourse with Zach, why did you?

12:43 2 A. Why did I do that? That's a stupid
12:43 3 question.

12:43 4 Q. I don't think so. I think it's a very
12:43 5 common question. Why --

12:43 6 A. For you.

12:43 7 Q. Okay. So that's why I'm asking you. Why
12:43 8 did you have sex with Zach more than 22 times if you
12:43 9 didn't want to?

12:43 10 A. Because I was threatened.

12:43 11 Q. Threatened with what?

12:43 12 A. He's going to kill me. If I play with the
12:43 13 money of his family. He would tell me to bring
12:43 14 him -- he told me bring me your boyfriend -- bring me
12:44 15 Jose.

12:44 16 Q. I'm asking you why you had sexual
12:44 17 intercourse over 22 times if you didn't want to. And
12:44 18 the first thing you said is because he said he would
12:44 19 kill you, right?

12:44 20 A. He told me if I didn't do it he was going
12:44 21 to take it out on my brother and my -- my sister and
12:44 22 my daughter.

12:44 23 Q. So when did Zach allegedly tell you if you
12:44 24 didn't have sex with him he was going to take it out
12:44 25 on your sister and your daughter?

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12:44 1 A. I think it was the first time.

12:44 2 Q. Okay. And did he say that just once?

12:44 3 A. Or the second time.

12:44 4 No. He would say it, and he would tell me

12:44 5 if I played with his family's money, he was going to

12:44 6 kill me.

12:44 7 Q. What does playing with -- wait a minute,

12:45 8 wait a minute. Just a second. What does playing

12:45 9 with his family's money have to do with anything?

12:45 10 A. I don't know. That's what he would say.

12:45 11 Q. So it's your allegation that Zach Ceballes

12:45 12 told you if you don't have sex with him, he's going

12:45 13 to do something bad to your sister and your daughter?

12:45 14 THE INTERPRETER: I'm sorry. I need to...

12:45 15 THE WITNESS: If I didn't do it with him,

12:45 16 he was going to do it with my sister or my daughter.

12:45 17 BY MR. HICKS:

12:45 18 Q. Your daughter's name is Karla?

12:45 19 A. Karla, yes.

12:45 20 Q. And did Karla work at the Monte Carlo at

12:45 21 the time?

12:45 22 A. She worked for a few days. I don't

12:45 23 remember very well.

12:45 24 Q. But just a couple of days?

12:45 25 A. Yes. Yes. And then she was sent to

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12:49 1 A. I don't remember exactly.

12:49 2 Q. But after Karla trained at the Monte Carlo,
12:49 3 she then immediately transferred to Bally's?

12:49 4 A. Yes.

12:49 5 Q. So when Mr. Ceballes was allegedly making
12:49 6 these threats to you, Karla worked at a different
12:49 7 location, correct?

12:49 8 A. Yes. But I did believe him, that he was
12:49 9 going to do something to my daughter.

12:49 10 Q. So if Mr. Ceballes worked at the Monte
12:49 11 Carlo location, what is it that you believed he could
12:49 12 do to your daughter who didn't even work at that
12:49 13 location?

12:49 14 A. He could wait for her, attack her. He
12:49 15 could work at that store. I don't know.

12:49 16 Q. And what is it that you thought
12:49 17 Mr. Ceballes would do or could do to your sister,
12:49 18 Fabiola, if she didn't work at the Monte Carlo
12:49 19 location?

12:50 20 A. Because I had also heard something about my
12:50 21 sister. He wanted her to change her shirt in front
12:50 22 of him.

12:50 23 Q. What does that have to do with your having
12:50 24 sex with Mr. Ceballes?

12:50 25 A. I was already afraid that he was going to

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03:38 1 were the ones who told me you can get money from here
03:38 2 and you can buy the company and you can fire whoever
03:38 3 treated you bad, Sandra.

03:38 4 "And I said oh, yeah. So we laughed

03:38 5 because it was just a joke. I didn't know what was

03:38 6 going to happen. I didn't know. Zach told me nobody

03:38 7 was going to believe me, so I thought nobody was

03:38 8 going to believe me. He always gets away with

03:38 9 things, and I always thought it was like that. And

03:38 10 they said -- we laughed because it was a joke, and

03:38 11 that's where it ended. I never said anything like

03:38 12 that."

03:39 13 - - -

03:39 14 BY MR. HICKS:

03:39 15 Q. So your coworkers at the Cleaning Authority
03:39 16 were told by you about your lawsuit against Sbarro,
03:40 17 correct?

03:40 18 A. There wasn't a lawsuit. I just told them
03:40 19 about a complaint I had made at the Nevada Rights
03:40 20 Commission. We never talked about a lawsuit.

03:40 21 Q. So you talked about your charge with the
03:40 22 Nevada Equal Rights Commission?

03:40 23 A. Yes. I just talked about that I complained
03:40 24 at Nevada Rights Commission. Never that I have a
03:40 25 lawsuit. I didn't even know what a lawsuit was. I

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

4

5 SANDRA M. MEZA-PEREZ,)

6 Plaintiff,)

7 vs.)

8 SBARRO, LLC, dba SBARRO)

PIZZA, a foreign limited)

9 liability company; SBARRO,)

INC., dba SBARRO PIZZA, a)

10 foreign corporation; ZACHARY)

CEBALLES, an individual;)

11 EFRAIN HERNANDEZ, an)

individual; JESUS ALATORRE, an)

12 individual; DANA DORADO, an)

individual,)

13

Defendants.)

14

15

16 * * * CONFIDENTIAL * * *

17 VIDEOTAPED DEPOSITION OF SANDRA M. PEREZ-MEZA

18 VOLUME IV

19 Pages 482 to 731

20 Taken on Thursday, January 23, 2020

21 At 9:34 a.m.

22 Held at the Law Office of Littler Mendelson

23 3960 Howard Hughes Parkway, Suite 300

24 Las Vegas, Nevada 89169

25 Reported By: Gale Salerno, RMR, CCR No. 542

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11:24 1 BY MR. SAMBERG:

11:24 2 Q. Okay. Describe the threats that you were
11:24 3 referring to. That's the question now.

11:24 4 A. That if I was playing around with the
11:24 5 family's money, he was going to kill me. He was
11:24 6 going to kill me, my boyfriend or my family.

11:24 7 Q. Any other threats?

11:24 8 A. He threatened me to deport me. He
11:24 9 threatened me that if I wouldn't do what he asked me
11:24 10 to do, then he was going to go to my sister or my
11:24 11 daughter.

11:25 12 MR. SAMBERG: Let me please ask Gale to
11:25 13 read back the entire answer.

11:25 14 - - -

11:25 15 (Whereupon, the following portion of
11:25 16 the testimony was read back by the court reporter:)

11:24 17 "ANSWER: That if I was playing around
11:24 18 with the family's money, he was going to kill me. He
11:24 19 was going to kill me, my boyfriend or my family.

11:24 20 "QUESTION: Any other threats?

11:24 21 "ANSWER: He threatened me to deport
11:24 22 me. He threatened me that if I wouldn't do what he
11:24 23 asked me to do, then he was going to go to my sister
11:24 24 or my daughter."

11:25 25 - - -

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11:25 1 BY MR. SAMBERG:

11:25 2 Q. There were multiple things that I may ask
11:25 3 you for in detail. When you say Zach threatened to
11:25 4 deport you, what do you mean by that?

11:25 5 A. If I didn't -- if I were to say something
11:26 6 or if I didn't accept -- if I didn't accept to go
11:26 7 with him to the walk-in, meaning to the refrigerator.

11:26 8 Q. When you say deport, were you under the
11:26 9 impression that Zach had the power to deport you?
11:26 10 What do you mean he threatens to deport you? Does he
11:26 11 work for the government? I mean, what do you mean by
11:26 12 that?

11:26 13 A. I mean, we know that any person nowadays,
11:26 14 there's all these threats that they can just call
11:26 15 immigration on you. And that's what it was. When he
11:26 16 would say that, that he was going to call immigration
11:26 17 and report me if I didn't walk in to go to the
11:26 18 refrigerator with him or if I wouldn't do the oral
11:26 19 sex that he wanted.

11:26 20 Q. Okay. Now, when you said in your answer he
11:27 21 would go to your sister and your daughter, what did
11:27 22 you mean by that? What did you mean when you said
11:27 23 that?

11:27 24 A. That he was going to go do to them what he
11:27 25 was doing to me. He was going to do that to my

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11:27 1 daughter or my sister.

11:27 2 Q. Sandra, this is a very delicate subject.

11:27 3 When you say "that," the word "that," that's not

11:27 4 specific. What does "that" mean?

11:27 5 A. That's the words that Zach would use. That

11:27 6 if I wouldn't, meaning if I wouldn't give him

11:27 7 whatever he was asking of me, then he was going to go

11:27 8 get it from my sister or from my daughter.

11:27 9 Q. What are you talking about? Go get what?

11:27 10 A. Sex.

11:27 11 Q. You have --

11:27 12 A. To rape. To rape.

11:27 13 Q. Okay. Okay.

11:27 14 A. What else? If he was doing that to me.

11:27 15 Q. So when you say "that," you mean the sex

11:28 16 that you've been describing?

11:28 17 A. Yeah.

11:28 18 Q. Okay. All right.

11:28 19 I just have a couple of more questions

11:28 20 about Zach's penis and then we're going to take a

11:28 21 break.

11:28 22 You've described the length relative --

11:28 23 using numbers compared to this glass. Using your own

11:28 24 words, how would you describe the girth of Zach's

11:28 25 penis? Do you know what I mean by girth? Not

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01:48 1 down wrong. Let me phrase the question differently.
01:48 2 Somewhere in and around page 307 the subject came up
01:49 3 that she had complained to Zach about Efrain and
01:49 4 Jesus. So I'll examine her about that and then on a
01:49 5 break I'll find the page number.

01:49 6 BY MR. SAMBERG:

01:49 7 Q. Anyway, the complaint to Zach about Jesus
01:49 8 and Efrain, in the months that you worked at the
01:49 9 Monte Carlo location from I guess May or June to the
01:49 10 end of December 2016, when along that timeline do you
01:49 11 remember this happening?

01:49 12 A. Like when I complained?

01:49 13 Q. Yeah.

01:49 14 A. In the beginning when I started working
01:49 15 there.

01:49 16 Q. What did you complain about?

01:49 17 A. That I had -- that they had poked at me
01:49 18 with a stick on -- at the convention center. And
01:50 19 Jesus came from behind, and he had pressed my nipple,
01:50 20 and the bad things that Efrain would tell me, that
01:50 21 was my complaint. That's what I complained about to
01:50 22 Zach.

01:50 23 Q. Got it. Okay.

01:50 24 Now, you mentioned two things. That
01:50 25 somebody pinched the nipple on your breast, correct?

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02:34 1 make a list. Tell me the names.

02:34 2 A. Faviola Perez, Ralicia. I don't know the
02:34 3 last name. Karla Perez, Maribel and me.

02:34 4 Q. Okay. So of your family members that are
02:34 5 here in Las Vegas that you mentioned, those people
02:34 6 were together with you working at the Sbarro location
02:34 7 at Monte Carlo, correct?

02:35 8 MR. HICKS: Objection as to the time.

02:35 9 MR. SAMBERG: Good objection.

02:35 10 BY MR. SAMBERG:

02:35 11 Q. Where the work was in and around the
02:35 12 summertime of 2016, that's the period I'm talking
02:35 13 about.

02:35 14 A. Yes.

02:35 15 Q. Got it. Okay.

02:35 16 Were any threats ever made to you that you
02:35 17 perceived -- do you have water? Do you want to take
02:35 18 a break?

02:35 19 Did Zach ever threaten you that he would
02:35 20 fire your family members if you didn't cooperate with
02:35 21 him in having sex?

02:35 22 A. Yes. Yes. He threatened me like that.

02:35 23 Q. When?

02:35 24 A. When he started to take me into the
02:35 25 walk-in, he would say that somebody had to be for

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02:37 1 consequences to how you feel?

02:37 2 MR. HICKS: Objection. Foundation.

02:37 3 THE WITNESS: Yes.

02:37 4 BY MR. SAMBERG:

02:37 5 Q. Please describe them.

02:37 6 A. I was feeling very fearful at all times. I

02:37 7 was feeling upset. I have a lot of depression also

02:37 8 and scared. More than anything scared for my family.

02:38 9 Scared for me because if I were to not have a job, I

02:38 10 mean, I had a family to support. And that's what --

02:38 11 that my family to have food, for us to be able to

02:38 12 have enough to pay for the rent.

02:38 13 Q. Okay.

02:38 14 A. It hurt me what was going on. It hurt me a

02:38 15 lot. And I felt like ashamed.

02:38 16 Q. Did you suffer any feelings in your body as

02:38 17 a --

02:38 18 MR. HICKS: I didn't even hear the

02:38 19 question.

02:39 20 BY MR. SAMBERG:

02:39 21 Q. Did you have other feelings, physical

02:39 22 feelings, in your body? Physical discomfort?

02:39 23 A. My body was aching and I also felt tired.

02:39 24 And many times I felt dizzy. I felt as if I was

02:39 25 going to pass out.

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02:42 1 A. I'm so sorry.

02:42 2 Q. Don't be sorry. Remember, it's not a

02:42 3 normal conversation. Okay?

02:42 4 So let's have the question read back, the

02:42 5 same exact question. And I agree that the previously

02:42 6 stated objections remain and carry forward to this

02:42 7 pending question.

02:42 8 - - -

02:42 9 (Whereupon, the following portion of

02:42 10 the testimony was read back by the court reporter:)

02:42 11 "QUESTION: Did you ever report to

02:42 12 Sheldon about any of the things that had happened to

02:42 13 you at the Monte Carlo store?"

02:42 14 - - -

02:42 15 BY MR. SAMBERG:

02:42 16 Q. It's a yes or no question.

02:42 17 A. Yes.

02:42 18 Q. What did you report?

02:42 19 A. I tried to tell him, but he didn't allow

02:42 20 it.

02:42 21 Q. Okay. I understand you're trying to be

02:42 22 helpful, but that doesn't really explain anything.

02:43 23 MR. HICKS: Well, Counsel, that was her

02:43 24 answer. You asked her a question. She gave you a

02:43 25 pretty clear answer. No leading the witness.

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02:44 1 asked the reporter to read it back. So we have to
02:44 2 wait for the reporter to read it back so I can figure
02:44 3 out how to proceed with your examination.

02:44 4 So let's just wait and let Gale read it
02:44 5 back.

02:44 6 - - -
02:44 7 (Whereupon, the following portion of
02:44 8 the testimony was read back by the court reporter:)

02:44 9 "QUESTION: I tried to tell him, but
02:44 10 he didn't allow it."

02:44 11 - - -
02:44 12 MR. SAMBERG: That was helpful. Thank you.

02:44 13 BY MR. SAMBERG:

02:44 14 Q. You tried to tell him what?

02:44 15 A. Because why my hours were being cut off,
02:44 16 and why I was taken off the schedule. And I tried to
02:45 17 tell him that I was getting tired, that this is what
02:45 18 Zach used to do.

02:45 19 And he said: I don't care, I don't care
02:45 20 what happened, I don't want to hear about it, I don't
02:45 21 want to hear about it, I don't care, I don't care, I
02:45 22 don't care.

02:45 23 And I was not heard, and I was not allowed
02:45 24 to explain.

02:45 25 Q. Okay.

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03:19 1 BY MR. SAMBERG:

03:19 2 Q. Okay. Now, at the Bally's -- I'm sorry, at
03:19 3 the Monte Carlo location of Sbarro's, do you recall
03:19 4 whether anything similar to these documents that we
03:19 5 just looked at in Exhibits 40 through 46, was
03:19 6 anything like that posted at the Monte Carlo
03:19 7 location?

03:19 8 A. No.

03:19 9 Q. Okay. What about at the location at the
03:19 10 convention center?

03:19 11 A. I don't remember.

03:20 12 Q. Okay. So but these were definitely at the
03:20 13 Bally's location?

03:20 14 A. Yes. They are. They are at Bally's.

03:20 15 Q. Now, in the last answer you ran through a
03:20 16 variety of things that you described that apparently
03:20 17 were things that you perceived as a problem for you.
03:20 18 So let's go through them quickly because these are
03:20 19 covered in your first deposition.

03:20 20 You said you were taken off schedule. How

03:20 21 long were you off schedule?

03:20 22 A. One month.

03:20 23 Q. Okay. You talked about working I think --
03:20 24 did you work graveyard?

03:20 25 A. Graveyard.

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04:03 1 you didn't -- strike that.

04:03 2 You testified that Zach was threatening you

04:03 3 with his job -- with your job, correct?

04:03 4 A. Yes.

04:03 5 Q. And that you had to support your family?

04:03 6 A. Yes.

04:03 7 Q. So and you're referring to -- by working at

04:03 8 Sbarro for 9.50 an hour, correct?

04:03 9 A. Yes.

04:03 10 Q. Yet you did find a job subsequent to that

04:03 11 making even more money, correct?

04:03 12 A. Correct.

04:03 13 Q. And it wasn't particularly hard for you to

04:03 14 find another job, was it?

04:03 15 A. It took me effort.

04:03 16 Q. I'm sorry?

04:03 17 A. It took me effort.

04:03 18 Q. Fair enough. When was the first time you

04:04 19 spoke with or met John Samberg?

04:04 20 MR. SAMBERG: Objection. Relevance.

04:04 21 Let me make a statement for the record.

04:04 22 MR. HICKS: Sure.

04:04 23 MR. SAMBERG: That question does not invade

04:04 24 the privilege.

04:04 25 MR. HICKS: It does not.